

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

IN THE LAKE SUPERIOR COURT  
CIVIL DIVISION, ROOM FOUR  
GARY, INDIANA

ERIC PORTERFIELD )  
Plaintiff, )

CAUSE NO. 45D04-0710-CT-00288

v. )

FILED IN OPEN COURT

NV ENTERPRISES LTD. d/b/a )  
CAVANAUGH'S SPORTS BAR )  
& EATERY, )  
Defendant. )

AUG 19 2008

*Herald N. Arltanoff*  
JUDGE  
SUPERIOR COURT OF LAKE COUNTY

**AMENDED COMPLAINT FOR DAMAGES AND JURY DEMAND**

Comes now Plaintiff, Eric Porterfield, (hereinafter, "Porterfield"), by counsel, Robert G. Vann, and for his claim against Defendant, NV Enterprises LTD. d/b/a Cavanaugh's Sports Bar & Eatery and states as follows:

1. On December 10, 2006, Porterfield was injured while a business invitee and a guest of Defendant, at its business establishment known as **NV Enterprises LTD. d/b/a Cavanaugh's Sports Bar & Eatery**, (hereinafter, "Cavanaugh's"), located at 1013 W. US Hwy. 30, Schererville, Lake County, Indiana 46375.
2. The aforescribed business premises of Cavanaugh's is operated and controlled by Defendant.
3. The aforescribed business premises of Cavanaugh's is located in an area of criminal activity.
4. The aforescribed business premises of Cavanaugh's is known, or should have been known by Defendant, to be frequented by persons with a propensity to engage in

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COUNCIL OF CHURCHES  
AND MINISTERS

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criminal conduct.

5. The aforescribed business premises of Cavanaugh's has experienced criminal activity for years prior to the attack on Porterfield.
6. The attack on Porterfield was a proximate result of the negligent and/or wanton and/or reckless conduct of Cavanaugh's which includes, but is not limited to:
  - a. Failing to provide adequate security for customers;
  - b. Failing to take precautions to protect customers when it knew or should have known in the exercise of reasonable care of the danger existing to said customers;
  - c. Failing to adequately warn customers of the dangers or hazards of using the Defendant's business or establishment;
  - d. Failing to maintain the business premises in a reasonably safe and secure condition for its patrons;
  - e. Failing to provide adequately trained security guards to patrol the area or otherwise failing to maintain security by posting signs, securing premises area with fences, maintaining lights or other deterrents;
  - f. Failing to take effective action to protect Porterfield regarding criminal conduct reported on premises;
  - g. Failing to conduct a systematic analysis to determine the crime rate in the general area and take security measures needed given the high crime rate;
  - h. Failing to consult with the local police department for crime statistics and take security measures needed given the high crime rate;



1. Introduction

The first part of the report deals with the general situation of the project.

2. Description of the project

The second part of the report describes the project in detail.

The third part of the report describes the results of the project.

3. Results of the project

The fourth part of the report describes the conclusions of the project.

The fifth part of the report describes the recommendations of the project.

4. Conclusions

The sixth part of the report describes the recommendations of the project.

5. Recommendations

The seventh part of the report describes the recommendations of the project.

6. References

The eighth part of the report describes the recommendations of the project.

The ninth part of the report describes the recommendations of the project.

7. Appendix

The tenth part of the report describes the recommendations of the project.

8. Bibliography

The eleventh part of the report describes the recommendations of the project.

The twelfth part of the report describes the recommendations of the project.

The thirteenth part of the report describes the recommendations of the project.

9. Index

- i. Failing to systematically analyze the incident reports of crimes which were reportedly directed to the premises regarding offenses at the premises and taking appropriate security measures;
- j. Failing to adequately train or utilize professional security personnel to secure the safety of guests;
- k. Failing to consult with other businesses in the general area for crime statistics and/or other problems being faced and take appropriate security measures;
- l. Failing to make systematic analysis of criminal offenses being committed at the premises and failing to take appropriate security measures;
- m. Failing to survey whether business premises had a high crime rate;
- n. Failing to properly train personnel employed by Cavanaugh's in regard to security or customer safety;
- o. Failing to maintain a liaison with the local or county police departments for rapid response to criminal activity on the premises;
- p. Failing to adequately supervise security forces maintained on the premises;
- q. Failing on all levels of Cavanaugh's business operations to properly evaluate the need for security in order to properly protect paying customers at the premises;
- r. Failing to provide monthly meetings on safety to supervise security personnel and assess the need for security at the premises;
- s. Failing to consult outside security consultants in reference to the need for security personnel and/or safety measures which would protect a paying



customer;

- t. Failing to obtain and/or failing to utilize criminal data obtained which showed a clear foreseeability of an assault and robbery of the type suffered by Porterfield;
  - u. Failing to obtain and/or failing to utilize criminal data obtained which showed a clear foreseeability of an assault and robbery of the type suffered by Porterfield;
  - v. Failing to warn Porterfield of the lack of adequate security on the premises;
  - w. Failing to provide Porterfield with a safe environment in a portion of the premises less accessible to crime and more supervised by Cavanaugh's; and
  - x. Failing to limit the access of the premises by criminals by the placement of fencing or gates.
7. As a direct and proximate result of Cavanaugh's negligent and/or reckless conduct, Porterfield sustained severe physical and mental injuries and is now permanently disabled due to injuries sustained on said premises, has endured physical and mental pain and suffering, has incurred a loss of earnings and/or an impairment of earnings capacity, has incurred medical and hospital expenses and will likely incur additional such expenses in the future, and has suffered a disfigurement and deformity and experienced fright, humiliation and mental anguish all as a proximate result of the aforedescribed wrongful conduct.

WHEREFORE, Plaintiff, Eric Porterfield, by counsel, respectfully requests judgment in his favor and against Defendant, NV Enterprises LTD. d/b/a Cavanaugh's Sports Bar & Eatery, and for

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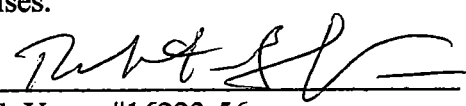
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the following relief:

1. For a sum which would reasonably compensate him for his damages herein;
2. For recoverable attorney fees, costs, and interest; and
3. For all other just and proper relief in the premises.

  
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**JURY DEMAND**

Plaintiff, by counsel, demands trial by jury.

  
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